

1 Hon. Marsha J. Pechman  
2 Plaintiffs' Motion No. 41  
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10 **APR 12 2004 DJ**  
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12 CLERK U.S. DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON  
14 DEPUTY  
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16 **00-CV-00301-M**  
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18 UNITED STATES DISTRICT COURT  
19 WESTERN DISTRICT OF WASHINGTON  
20 AT SEATTLE

21 MARY BECK, et al.,  
22

23 Plaintiffs,  
24

25 v.

26 THE BOEING COMPANY,  
27

28 Defendant.  
29

30 No. C00-0301P

31 PLAINTIFFS' MOTION TO  
32 EXCLUDE TESTIMONY AND  
33 ARGUMENT PERTAINING TO  
34 STUDIES AND ANALYSES FOR  
35 EMPLOYEES AS TO WHOM  
36 PLAINTIFFS HAVE BEEN DENIED  
37 DISCOVERY

38 NOTE ON MOTION CALENDAR:  
39 April 30, 2004

40 By this motion, plaintiffs seek an order excluding Boeing witnesses from testifying  
41 about analyses or studies regarding groups of employees for which plaintiffs were denied  
42 discovery. As is explained below, such testimony is properly excluded under Fed. R. Civ.  
43 P. 37(c)(1).

44 In their depositions, Boeing witnesses have testified that they did not believe there  
45 was intentional discrimination at Boeing, or any discrimination at all, because of analyses  
46 conducted for Boeing's engineers and for Boeing's Philadelphia site. See Exs. A, B.<sup>1</sup>  
47 Boeing, however, has refused to produce the work histories or electronic data pertaining to  
48

49 <sup>1</sup> Unless otherwise stated, all cited exhibits are attached to the Declaration of Michael D.  
50 Helgren submitted herewith.

1 its engineers or for its Philadelphia employees. As such, plaintiffs have never been able to  
 2 test Boeing's witnesses' self-serving testimony on these subjects.

3 Plaintiffs did seek this information. Their initial discovery requests sought the  
 4 production of company-wide data and work histories that would have included engineers  
 5 and Philadelphia. Boeing objected, but did not state that it intended to call witnesses to  
 6 give "their impression" of the discrimination at the Philadelphia site and for the engineers.  
 7 Not knowing that Boeing would later make use of such evidence, the Special Master ruled  
 8 that Boeing did not have to provide electronic data or the work histories for groups not  
 9 containing named plaintiffs. *See Ex. C.* According, Boeing did not produce work  
 10 histories or electronic data regarding engineers or Philadelphia employees and plaintiffs  
 11 have not received such information for these groups. As a result, plaintiffs have never  
 12 been able to test Boeing's self-serving assertions as to its engineers and Philadelphia  
 13 employees.

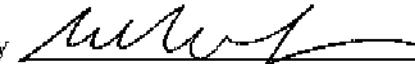
14 Where, as here, Boeing has not produced the evidence needed for plaintiffs to test  
 15 self-interested, self-serving statements, it should be precluded from introducing such  
 16 statements or arguments at trial. Under Fed. R. Civ. P. 37(c)(1), a party that fails to  
 17 disclose information required by Rule 26(a) or 26(c) is generally not "permitted to use as  
 18 evidence at trial...any witness or information not so disclosed." *See also Zhang v.*  
 19 *American Gem Seafoods, Inc.*, 339 F.3d 1020, 1027-28 (9th Cir. 2003). At trial, therefore,  
 20 Boeing's witnesses should not be permitted to testify about any analyses or studies  
 21 regarding Boeing's engineers or its Philadelphia employees.

22 DATED this 12/12 day of April, 2004.

23  
 24 McNAUL EBEL NAWROT HELGREN  
 & VANCE PLLC

25 By:   
 26 Michael D. Helgren, WSBA No. 12186

1 COHEN, MILSTEIN, HAUSFELD & TOLL,  
2 P.L.L.C.

3 By 

4 Joseph M. Sellers, *Pro Hac Vice*  
5 Christine Webber, *Pro Hac Vice*

6 Attorneys for Plaintiffs  
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PLAINTIFFS MOTION TO EXCLUDE EVIDENCE OF  
EMPLOYEES AS TO WHOM PLAINTIFFS WERE  
DENIED DISCOVERY (No. C00-0301P) – Page 3

LAW OFFICES OF  
MCNAUL EREL NAWROT HELGREN  
& VANCE, P.L.L.C.  
600 University Street, Suite 2700  
Seattle, Washington 98101-3143  
(206) 467-1816

**CERTIFICATE OF SERVICE**

On April 12, 2004, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document:

Ms. Nancy Williams  
Perkins Coie LLP  
Suite 4800  
1201 Third Avenue  
Seattle, WA 98101

- Via hand delivery
- Via U.S. Mail, 1<sup>st</sup> Class,  
Postage Prepaid
- Via Overnight Delivery
- Via Facsimile
- Via E-filing

Mr. C. Geoffrey Weirich  
Paul, Hastings, Janofsky & Walker LLP  
Suite 2400  
600 Peachtree Street NE  
Atlanta, GA 30308

- Via hand delivery
- Via U.S. Mail, 1<sup>st</sup> Class,  
Postage Prepaid
- Via Overnight Delivery
- Via Facsimile
- Via E-filing

I certify under penalty of perjury under the laws of the United States of America  
and the State of Washington that the foregoing is true and correct.

DATED this 12th day of April, 2004, at Seattle, Washington.

Melissa L. Peterson  
Melissa L. Peterson, Legal Assistant

CERTIFICATE OF SERVICE (No. C00-0301P)

LAW OFFICES OF  
**McNAUL EBEL NAWROT HELGREN**  
& VANCE, P.L.L.C.  
600 University Street, Suite 2700  
Seattle, Washington 98101-3143  
(206) 467-1816

1 Hon. Marsha J. Pechman  
2 Plaintiffs' Motion No. 41  
3  
4



5 00-CV-00301-DECL  
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7

CC TO JUDGE DJ  
FILED ENTERED  
LODGED REC'D  
AYR 12 2004 DJ  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 MARY BECK, et al.,  
11 Plaintiffs,  
12 v.  
13 THE BOEING COMPANY,  
14 Defendant.  
15

No. C00-0301P  
DECLARATION OF MICHAEL D.  
HELGREN

16 The undersigned declares under penalty of perjury under the laws of the United  
17 States of America and the State of Washington that the following statements are true,  
18 correct and based on personal knowledge.

19 1. I am one of the attorneys for the plaintiffs and I have personal knowledge  
20 of the matters below.

21 2. Attached hereto are true and correct copies of the originals thereof:

22 Exhibit A Excerpts of the Declaration of Marcella R. Fleming,  
23 dated May 31, 2001;

24 Exhibit B Excerpts of Defendants' Memorandum In  
25 Opposition to Plaintiffs' Motion for Class  
Certification, dated June 1, 2001; and

26 DECLARATION OF MICHAEL D. HELGREN (No.  
C00-0301P) – Page 1

LAW OFFICES OF  
MCNAUL EBEL NAWROT HELGREN  
& VANCE, P.L.L.C.  
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(206) 467-1816

ORIGINAL

## **Exhibit C**

**Excerpts of the Special Master's Order Re:  
Discovery Motions and Recommendations, dated  
October 25, 2000.**

DATED this 27 day of April, 2004, at Seattle, Washington.

Michael D. Helgren, WSBA No. 12186

**DECLARATION OF MICHAEL D. HELGREN (No. C00-0301P) – Page 2**

LAW OFFICES OF  
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Seattle, Washington 98101-3141  
(206) 467-1811

**CERTIFICATE OF SERVICE**

On April 12, 2004, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document:

Ms. Nancy Williams  
Perkins Coie LLP  
Suite 4800  
1201 Third Avenue  
Seattle, WA 98101

- Via hand delivery
- Via U.S. Mail, 1<sup>st</sup> Class,  
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Mr. C. Geoffrey Weirich  
Paul, Hastings, Janofsky & Walker LLP  
Suite 2400  
600 Peachtree Street NE  
Atlanta, GA 30308

- Via hand delivery
- Via U.S. Mail, 1<sup>st</sup> Class,  
Postage Prepaid
- Via Overnight Delivery
- Via Facsimile
- Via E-filing

I certify under penalty of perjury under the laws of the United States of America  
and the State of Washington that the foregoing is true and correct.

DATED this 12th day of April, 2004, at Seattle, Washington.

Melissa L. Peterson  
Melissa L. Peterson, Legal Assistant

**CERTIFICATE OF SERVICE (No. C00-0301P)**

LAW OFFICES OF  
**MCNAUL EBEL NAWROT HELGREN**  
& VANCE, P.L.L.C.  
600 University Street, Suite 2700  
Seattle, Washington 98101-3143  
(206) 467-1816

***Exhibit A***

**THE HONORABLE MARSHA J. PECHMAN**  
Plaintiffs' Motion No. 22

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARY BECK, et al.,

**Plaintiffs,**

V

THE BOEING COMPANY, et al.,

**Defendants.**

NO C00-0301P

DECLARATION OF  
MARCELLA R. FLEMING

I, Marcella R. Fleming, declare as follows:

## **PERSONAL BACKGROUND AND PURPOSES OF DECLARATION**

1. I am employed by The Boeing Company ("Boeing" or the "Company") as its Director, Employee Relations, Company Offices. I have held this position since June 1997. Prior to taking my current job, I served as Staff Counsel in Boeing's Office of the General Counsel. Before joining Boeing in 1994, I worked as an attorney in private practice for six years. I received my J.D. from the University of Virginia Law School in 1988. I make this declaration based on personal knowledge and on records I have reviewed in the course of my work with Boeing. Reference in some cases to specific portions from my eight days of

**DECLARATION OF  
MARCELLA R. FLEMING - I**

[03002-0696/SL0115] 0.039

**PERKINS COIE LLP**  
1201 Third Avenue, Suite 4800  
Seattle, Washington 98101-3099  
(206) 583-8888

1 limited number of job titles in some locations; most job titles in most locations showed no  
 2 statistical significance or could not be analyzed due to insufficient sample size. Baker Dep.,  
 3 2/15/01 at 113-15. Again, notwithstanding its awareness that the Comp 95 model had serious  
 4 deficiencies, Boeing decided to provide additional funds during its annual salary reviews for its  
 5 NSP and management employees to reduce the as-yet unexplained differences in the groups  
 6 where they were identified. The supplemental funds were again distributed (in October 1995  
 7 for NSP and in April 1996 for managers) consistent with employees' performance, and the  
 8 relationship of their salaries to the market and peers. There was no finding or conclusion that  
 9 the differences were the result of illegal discrimination. Fleming Dep., 1/5/01 at 805-06.

10       22. Boeing shared the facts of its analysis with its employees. The articles  
 11 comprising Exhibit E-5 are from official Boeing publications discussing the Comp 95 analyses.  
 12 At the conclusion of the Comp 95 project, Boeing believed that it had identified and  
 13 eliminated any differences in pay by gender that had been identified, though it understood that  
 14 the limitations on the information available just to compare its own jobs made it impossible to  
 15 be certain whether these adjustments overcompensated or undercompensated for any gender  
 16 differences in pay that might exist. Fleming Dep., 1/5/01 at 895-96; 2/7/01 at 946.

17       23. After completing this initial round of self-analysis, Boeing has continued to  
 18 monitor its compensation using the models developed for the Engineering/Technical, NSP,  
 19 and management payrolls. The Company also began a comprehensive review of its  
 20 compensation policies and practices. See generally Fleming Dep., 1/4/01 at 546-50, 554-67.

21       24. One important conclusion Boeing reached from this analytical experience is  
 22 that when the Company is able to account accurately for employees' relevant pre-Boeing work  
 23 experience, significant pay differences between men and women are not found. Boeing has,  
 24 for example, reliable and detailed information about the relevant prior work experience of its  
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**DECLARATION OF**  
**MARCELLA R. FLEMING - 11**  
 [03002-0696/SL011510.039]

**PERKINS COIE LLP**  
 1201 Third Avenue, Suite 4800  
 Seattle, Washington 98101-3099  
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1 SPEAA-represented engineers. Baker Dep., 2/16/01 at 169. When this information has been  
 2 utilized in post-1995 regression analyses of engineers' pay, there has been little, if any,  
 3 significant difference identified between the compensation of men and women. See Marshall  
 4 Dep., 3/15/01 at 115 (in 1999, using precise prior experience data for the SPEEA engineers  
 5 "the difference that we had seen went to zero. And so we knew you had to have good data on  
 6 something like that, and we simply did not have any practical way to get it" outside the  
 7 engineering population). This finding was further supported during the work in 1998 with  
 8 respect to the OFCCP's audit at the Ridley Park, PA facility. In that case, after doing a folder-  
 9 by-folder review to gather information about relevant prior experience, significant differences  
 10 in the pay of similarly situated men and women that had appeared to exist before analyzing  
 11 this factor went away. Fleming Dep., 1/5/01 at 734; 4/6/01 at 1188-89, 1215-16.

22       25. Reliable electronic data on employee experience is not available outside the  
 23 engineering payroll. *Id.* Thus, analyses of most of the Boeing salaried population based on  
 24 existing electronic data are unable to control accurately for relevant prior experience and are  
 25 forced instead to use some proxy variable, such as age. Such proxies, however, do not  
 26 accurately account for any gender differences in prior experience, such as may be caused by  
 27 differences in the average time spent out of the workforce in the two populations being  
 28 compared. To the extent that men and women may, for a variety of reasons, spend different  
 29 amounts of time out of the workforce, on average, this cannot be accounted for entirely in an  
 30 analysis using age as the proxy variable. Thus, to the extent these average differences exist,  
 31 an analysis that cannot control for them will tend to overstate female experience which, under  
 32 the analysis, will make it appear that women should be paid more than they are being, or  
 33 should be, paid. Baker Dep., 2/16/01 at 200-01.

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 DECLARATION OF  
 MARCELLA R. FLEMING - 12  
 [03002-0696/SL011510.039]

PERKINS COLE LLP  
 1201 Third Avenue, Suite 4800  
 Seattle, Washington 98101-3099  
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1 as well as pending litigation at the time, taking the unpublicized approach to supplemental  
2 funding was believed to lessen litigation risk. In light of the use made by plaintiffs in this case  
3 of Boeing's affirmative action approach to compensation differences, I do not think it can be  
4 argued that Boeing was unreasonable in its litigation concerns.  
5  
6

7  
8 65. Attached as Exhibit E-6 to this declaration is the discrimination charge from  
9 Boeing's files submitted by Verlene Maholmes. To my knowledge, this charge, dated  
10 January 23, 2000, is the earliest charge containing class allegations filed by a plaintiff in this  
11 litigation.  
12  
13

14 I declare under penalty of perjury under the laws of the United States and the State of  
15 Washington that the foregoing is true and correct.  
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18 Signed this 31st day of May 2001 at Seattle, Washington.  
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MARCELLA R. FLEMING

***Exhibit B***

1  
2 THE HONORABLE MARSHA J. PECHMAN  
3 Plaintiffs' Motion No. 22  
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14 UNITED STATES DISTRICT COURT  
15 WESTERN DISTRICT OF WASHINGTON  
16 AT SEATTLE

17 MARY BECK, et al.,  
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19 Plaintiffs,  
20

21 v.  
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23 THE BOEING COMPANY, et al.,  
24

25 Defendants.  
26

27 C00-0301P  
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29 DEFENDANTS' MEMORANDUM IN  
30 OPPOSITION TO PLAINTIFFS' MOTION  
31 FOR CLASS CERTIFICATION  
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33 FILED UNDER SEAL  
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DEFENDANTS' MEMORANDUM IN  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION

PERKINS COIE LLP  
1201 Third Avenue, Suite 4800  
Seattle, Washington 98101-3099  
(206) 583-8888

1       worked, not overtime offered. Siskin Dep. at 342, 361; Ward Dec. p. 59. His implicit assumption  
 2       that men and women equally accept voluntary overtime is inconsistent with labor force literature  
 3       showing that women, on average, work "fewer hours per week." Ward Dec. p. 61 & App. F.  
 4       Indeed, Dr. Siskin agreed that a preference for less overtime by women could explain the  
 5       disparities he found in his analysis. Siskin Dep. at 344-45; 355-57. Dr. Ward did not present any  
 6       responsive statistical analyses of overtime because Dr. Siskin's wholly inapt analyses prove  
 7       nothing, and because the actual practices used for allocating overtime are not capable of any  
 8       legitimate analysis using the available computerized data. Ward Dec. pp. 59-61.

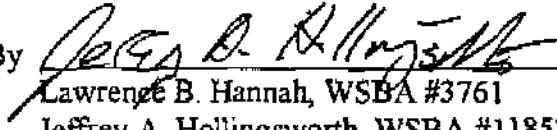
9                     **Compensation.** Nor do plaintiffs' flawed salaried compensation analyses support a  
 10          finding of commonality. Dr. Ward's analyses of annual salary show no patterns consistently  
 11          adverse to women. Rather, for managers, SPEEA Technical employees, SCPEA employees, and  
 12          nonrepresented salaried employees in paycodes 2 and 6, he found that in some years, in some  
 13          locations, women were paid less than similarly situated men, and in other years and locations they  
 14          were paid more. *Id.* ¶¶ 40-49. Some of the results (both favorable and unfavorable to women) are  
 15          statistically significant, but more often they are not. *Id.* For the nonunion engineers in St. Louis,  
 16          he observed that women were paid *more* than expected in every single year, and at a statistically  
 17          significant level in 1998, 1999, and 2000. *Id.* ¶¶ 49-50.

18          Plaintiffs cannot dispute that pre-hire experience is a powerful explanatory factor for  
 19          current salary level. For example, when Boeing studied the pay of the SPEEA-represented  
 20          salaried engineers, for whom data on when they earned a BS degree is available, the Company  
 21          found no salary disparities consistently adverse to women. Fleming Dec. ¶ 24; Marshall Dep.,  
 22          3/15/01, at 115. Because such pre-hire information is not available for most employees, both  
 23          parties' experts used a proxy for pre-hire experience in their analyses. Siskin Dep. pp. 146-49;  
 24          Ward Dec. pp. 38-39. Before deciding to use starting salary as his proxy, however, Dr. Ward took  
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1 notion. Plaintiffs' enormous, diverse, and utterly unmanageable sets of claims and putative class  
2 members cannot properly be treated as a class action. Their motion should be denied.  
3

4 DATED: June 1, 2001.  
5

6 PERKINS COIE LLP  
7  
8

9 By   
10 Lawrence B. Hannah, WSBA #3761  
11 Jeffrey A. Hollingsworth, WSBA #11853  
12 Nancy Williams, WSBA #11558  
13  
14

15 PAUL, HASTINGS, JANOFSKY & WALKER LLP  
16  
17

18 By   
19 Barbara Berish Brown, D.C. Bar #355420  
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24 C. Geoffrey Weirich, GA Bar #746455  
25 600 Peachtree St. NE  
26 Atlanta, GA 30308-2222  
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29 Attorneys for Defendants  
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DEFENDANTS' MEMORANDUM IN  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION - 35  
[03002-0696/SL011510.059]

PERKINS COIE LLP  
1201 Third Avenue, Suite 4800  
Seattle, Washington 98101-3099  
(206) 583-3888

*Exhibit C*

RECEIVED  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MCNAUL EBEL  
NAWROT HELGREN & VANCE PLLC.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BECK, et al.,

Plaintiff(s),

v.

THE BOEING COMPANY, et al.,

Defendant(s).

NO. C00-301P

SPECIAL MASTER'S ORDER RE:  
DISCOVERY MOTIONS AND  
RECOMMENDATIONS

By "Order re: Appointment of Special Discovery Master" dated September 8, 2000, the Court designated the undersigned "special discovery master" pursuant to Fed.R.Civ.P. 53 to supervise the remainder of discovery. The Court directed and empowered the special master "to make such findings, conclusions, recommendations and orders in regard to discovery as he deems appropriate in the manner provided for by law, by the Federal Rules of Civil Procedure and by the local rules of this Court."

The Court's September 8, 2000 Order and its Minute Order dated September 12, 2000 referred all pending discovery motions to the special master. The Court also requested that the special master make recommendations regarding the scheduling of case events, the continuation of the special master for further discovery motions, and the management of the data and other information produced in discovery.

SPEC DISC MASTER'S ORDER - 1

**COPY**

1  
2 government agency investigations) and that confidentiality is crucial to the effective resolution of  
3 complaints.

4 The great burden and expense of providing the exhaustive complaint documents requested by  
5 plaintiffs, as well as the probability of substantial delay in class certification consideration that would  
6 be caused by records gathering, privilege review, and privilege rulings, outweigh the potential  
7 probative value of the discovery plaintiffs request. Plaintiffs' motion to produce additional EEO files  
8 is denied.  
9

10 *Plaintiffs' Motion No. 10: "Plaintiffs' Motion to Compel Production for a Company-Wide Class"*

11 Plaintiffs' Motion No. 10 requests an order compelling "the production of certain documents  
12 and data relating to a company-wide class of women employees."

13 Plaintiffs assert that defendants have refused to permit discovery relating to the potential  
14 company-wide class and have instead provided discovery only as to certain categories of employees  
15 at a limited number of facilities. Plaintiffs complain that defendants' production has resulted in  
16 plaintiffs receiving only a patchwork of data on different types of workers at different facilities.

17 In plaintiffs' view, defendants' production has excluded potential evidence of company-wide  
18 discriminatory actions outside the particular groups in which the 38 named plaintiffs work, and such  
19 exclusion may frustrate the Court's efforts to fairly consider class certification. Plaintiffs express  
20 concern that defendants already have urged the court to deny class certification based on multiplicity  
21 of collective bargaining agreements and conflicting policies at different locations around the country.  
22 Without full discovery, plaintiffs complain, defendants' argument cannot be tested.

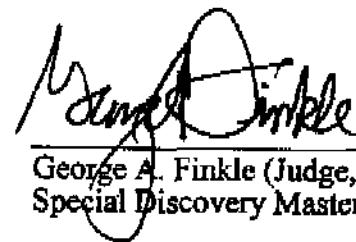
23 Defendants respond that they have already provided electronic data covering approximately  
24 140,000 of 172,000 employees, as well as more than 24,000 pages of employment policies and  
25

1  
2 manuals, and that, especially at this pre-certification stage, there is no justification for the expanded  
3 discovery requested by plaintiffs.

4 In their September 7, 2000 Memorandum on pending discovery motions, at 20, defendants  
5 stated that, assuming *arguendo* that plaintiffs could identify a company-wide policy or practice  
6 resulting in widespread discrimination against women employees within what defendants label  
7 Groups Containing Named Plaintiffs ("GCNPs"), defendants would not argue to exclude women  
8 outside the GCNPs, who are subject to the same policy or practice, on the grounds that plaintiffs lack  
9 detailed evidence relating to the geographic locations and collective bargaining units lacking any  
10 discernible nexus to any of the 38 named plaintiffs. During oral argument defendants declined to  
11 agree to forego future arguments against class certification based on the multiplicity of CBAs and  
12 conflicting policies as to groups *not* containing named plaintiffs.

13 Limited production of documents and data on a company-wide basis is appropriate and  
14 necessary to permit plaintiffs to respond to Defendants' plausible argument that the multiplicity of  
15 jobsites, CBAs, policies, etc. should defeat class certification. Defendants are directed to produce  
16 on a company-wide basis, within 30 days of the date of this Order, the documents ordered to be  
17 produced in the discussion of Plaintiffs' Motion No. 8, Para. 2, above., *Affirmative Action*  
18 *Plans/Employee-Related Policies/Gender Discrimination Studies.* (That is, defendants are directed to  
19 produce all gender-related: AAPs, employment policies; reports, studies, or employee surveys; as  
20 well as any analyses comparing the economic benefits and opportunities provided by defendants to  
21 male employees with those provided to female employees.) In other respects plaintiffs' Motion No.  
22 10 is denied as unduly burdensome. (See discussion of Motion No. 8, above.)

Dated this 25<sup>th</sup> day of October, 2000



George A. Finkle (Judge, retired)  
Special Discovery Master

1 Hon. Marsha J. Pechman  
2 Plaintiffs' Motion No. 41

3 CC TO JUDGE DJ

4  FILED  ENTERED  
5  LODGED  REC'D  
6 APR 12 2004 DJ

7 BY AT SEATTLE  
8 CLERK U.S. DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON DEPUTY

10 00-CV-00301-PRO

11 UNITED STATES DISTRICT COURT  
12 WESTERN DISTRICT OF WASHINGTON  
13 AT SEATTLE

14 MARY BECK, et al.,

15 Plaintiffs,

v.

16 THE BOEING COMPANY,

17 Defendant.

No. C00-0301P

[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION TO  
EXCLUDE TESTIMONY AND  
ARGUMENT PERTAINING TO  
STUDIES AND ANALYSES FOR  
EMPLOYEES AS TO WHOM  
PLAINTIFFS HAVE BEEN DENIED  
DISCOVERY

18 THIS MATTER came before the Court on Plaintiffs' Motion to Exclude  
19 Testimony and Argument Pertaining to Studies and Analyses for Employees as to Whom  
Plaintiffs Have Been Denied Discovery. The Court has reviewed the records and files  
herein, including plaintiffs' motion and defendant's response, and plaintiffs' reply, if any.  
Now being fully advised,

20 IT IS HEREBY ORDERED that Plaintiff's Motion to Exclude Testimony and  
21 Argument Pertaining to Studies and Analyses for Employees as to Whom Plaintiffs Have  
22 Been Denied Discovery is GRANTED.

23 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

24  
25  
26 THE HONORABLE MARSHA J. PECHMAN

[PROPOSED] ORDER GRANTING PLAINTIFFS'  
MOTION No. 41 (No. C00-0301P) – Page 1

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1 Presented By:  
2

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5 By:   
6 Michael D. Helgren, WSBA No. 12186

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Attorneys for Plaintiffs

[PROPOSED] ORDER GRANTING PLAINTIFFS'  
MOTION No. 41 (No. C00-0301P) – Page 2